

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL DIVISION

In Re: Beaver County Local Rules
:
:
Regarding Custody Actions
:

No. 10149 of 2017

FILED OR ISSUED
2017 MAR -9 PM 2:33
NANCY WEIRME
PROTHONOTARY
BEAVER COUNTY, PA

ADMINISTRATIVE ORDER

Mancini, P.J.

March 8, 2017

The following amendments to the Beaver County Local Rules of Civil Procedure are hereby adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is hereby Ordered and Directed that the Local Custody Rules read as follows:

LR1915A. CUSTODY (Corresponds to Pa.R.C.P. 1915.3, 1915.4, 1915.4-1, 1915.4-2, 1915.4-3 and 1915.4-4)

1. Scheduling the Custody Conference. When filing a claim for custody or partial custody in a Complaint or a subsequent claim, the moving party shall:

(a) Present the pleading to the Administrative Custody Judge during Motions Court to obtain the Court's signature on the scheduling Order. Immediately thereafter, obtain a date and time for the Conference from the Administrative Custody Judge. The Judge's Chambers will make a copy of the pleading and Order to be forwarded to Juvenile Services Division.

(b) File the original pleading and Order in the Prothonotary's Office.

(c) Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties, with proof of service to be filed in the Prothonotary's Office, and a copy of the proof of service to be provided to the Child Custody Conference Officer at or prior to the time set for the Conference.

(d) When a Petition for Contempt of a Custody Order is filed, the Judge shall schedule the Contempt Petition for a Status Conference or Hearing before the Court, or for a Conciliation Conference before a Conference Officer. If a Petition for Contempt is filed at or about the same time as a Petition for Modification of a Custody Order, the Judge may order the Contempt Petition to be mediated by the Conference Officer at the same time as the Petition for Modification. If the matter is not resolved at the Conciliation

Conference, the Court shall schedule a Status Conference or a Hearing on the Contempt matter, or if Exceptions are filed to the Proposed Order of Custody, the Judge may consolidate the Contempt matter with the Pre-Trial Conference and/or Trial scheduled on the Modification Petition.

(e) In order to facilitate compliance with the requirements of the Uniform Child Custody Jurisdiction Enforcement Act, a party shall provide the Court with all known information concerning a Custody proceeding pending in another state which involves the same parties or children.

Note: In particular, the Court should be informed of the following: (1) the name and address of the Court in which such case is pending; (2) the caption of such case; (3) the name, address and telephone number of the Judge to whom the case might have been assigned, and (4) any Orders entered in such case. Information provided under this Rule should be submitted in writing and attached to the Complaint/Petition.

(f) All Petitions for Modification of Custody Orders shall have attached thereto, unless excused by the Court for good cause shown, copies of the Petitioner's Certificate of Completion of the mandatory Educational Seminar as required in LR1915A, as well as proof of compliance with all counseling and other services mandated in the Order sought to be modified. If such proof and the Certificate of Completion are not attached, the Court may refuse to entertain the Petition.

2. Preliminary Objections. Any party filing Preliminary Objections raising issues of jurisdiction or venue of the Court to act, shall, concurrently with filing the same with the Prothonotary, deliver a true and correct copy of the Preliminary Objections to the Judge assigned to handle Custody matters and to opposing counsel and/or to any party not represented by counsel. The Judge will schedule the matter for Argument on a priority schedule to dispose of the issues as expeditiously as possible.

3. Conduct of Conciliation Conference Officer.

(a) The Child Custody Conference Officer will convene a Conciliation Conference, as scheduled by the Court, which Conference shall be attended by the parties and their legal counsel, if any.

(b) Before counsel appears before the Child Custody Conference Officer, counsel must enter his/her Appearance on the record in the Prothonotary's Office, provide notice to all opposing counsel or party(ies) and have proof of entry of Appearance available at the Conference.

(c) Counsel for the parties, or the parties themselves if unrepresented, are to provide true and correct copies of any exhibits to be shown to the Child Custody Conference Officer at the Conference, to counsel for the opposing party or to the opposing party if unrepresented, at least five (5) days prior to the scheduled Conference. Failure to comply may, at the discretion of the Child Custody Conference Officer, result in the exclusion of

the exhibit from consideration, the rescheduling of the Conference to allow the opposing party an opportunity to respond or other action deemed appropriate by the Child Custody Conference Officer, keeping in mind the Officer's need to evaluate the best interest of the child(ren).

(d) The parties, counsel and the Child Custody Conference Officer, as mediator or conciliator, shall make a good-faith effort to resolve the issues and reach agreement on custody and/or partial custody. The Child Custody Conference Officer shall conduct the Conciliation Conference as an informational and conciliatory proceeding rather than confrontational or adversarial.

(e) No scheduled Custody Conference shall be rescheduled by any party or counsel without the prior expressed consent of the opposing party or counsel or Order of Court issued upon a Motion to Continue submitted in accordance with LR208.3(a)(3).

4. Procedure After Conciliation Conference.

(a) If the parties reach agreement, the Child Custody Conference Officer shall submit an Agreed Order to the Court bearing the written consents, evidenced by signatures of the parties and their counsel, if any. Neither the parties nor counsel need to appear before the Court for the Court's approval of the Agreed Order.

(b) If, for any reason, the parties do not reach agreement, the Child Custody Conference Officer shall file a written report with the Court within five (5) business days, unless otherwise extended by agreement of counsel, or the parties if unrepresented. The report shall be in a narrative form and shall include the positions of the parties, proposed settlements of the parties, if any, and the recommendation of the Child Custody Conference Officer, together with reasoning for the recommendations and either a Proposed Order or a Temporary Order. Upon receipt and review of the report, the Court shall issue a Proposed Order or a Temporary Order and promptly provide a copy thereof, together with a copy of the Child Custody Conference Officer's report, except for that portion of the report relating to comments from the minor child(ren), to counsel for the parties, or the parties themselves if not represented by counsel.

(c) A Proposed Order shall be entered as a Final Order unless Exceptions thereto are filed by either party within twenty (20) days after the effective date set forth in the Proposed Order. Exceptions may also be filed to a Temporary Order at any time during the existence of the Temporary Order, but the Court will decide whether the Exceptions will be remanded back to the Child Custody Conference Officer for further proceedings and recommendation or set down by the Court for a Pre-Trial Conference as provided for herein. The Court may Order, if circumstances warrant, that should Exceptions be filed, the Proposed Order shall be effective as a Temporary Order pending further Order of Court.

(d) Exceptions to the Proposed Order or Temporary Order must be in writing and should state, with particularity, the portion(s) of the Order objected to. The Exceptions must be filed with the Prothonotary, and copies thereof must be delivered forthwith to the Court Administrator's Office, as well as to all counsel and/or unrepresented parties of record.

(e) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(f) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

5. Pre-Trial Conference.

(a) Upon receipt of the Exceptions by the Court Administrator's Office, the Court will schedule a Pre-Trial Conference to be attended by all counsel and parties, whether represented by counsel or not. A Pre-Trial Conference with the Court will be scheduled in every case and will be waived only with the consent of the Court.

(b) No later than five (5) days prior to the date scheduled for Pre-Trial Conference, each attorney and each party not represented by counsel must file a completed Pre-Trial Information Statement, on or in a form approved by the Court, at the Court Administrator's Office for the presiding Judge, with copies provided to opposing counsel and/or unrepresented parties of record.

(c) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference, will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(d) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Pre-Trial Conference, may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

LR1915B. REDUCED-FEE PROGRAM

1. Any individual who is referred under Neighborhood Legal Services Association's Pro Bono or Reduced-Fee Programs to a participating member of the Beaver County Bar Association for representation as a litigant in a Custody Action and who is certified by NLSA

to be income eligible under Legal Services regulations, shall be granted leave to proceed *In Forma Pauperis*. Counsel representing these individuals shall present to the Prothonotary a Praeceptum for Permission to Proceed *In Forma Pauperis*, which shall be endorsed by counsel, and which shall have attached to it a Certificate of Eligibility prepared by NLSA. The Praeceptum shall be substantially in the following form:

(CAPTION)

Praeceptum to Proceed *In Forma Pauperis*

To the Prothonotary: Kindly allow {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, to proceed *In Forma Pauperis*.

I, {Attorney's Name}, attorney for the party proceeding *In Forma Pauperis*, certify that I believe the party is unable to pay the costs and that I am providing free legal services or reduced-fee legal services to the party pursuant to the Reduced-Fee or Pro Bono Referral Programs of Neighborhood Legal Services Association. The party's Certificate of Eligibility prepared by Neighborhood Legal Services Association is attached hereto.

Name of Attorney
Attorney for Plaintiff/Defendant
Address
Telephone Number
Supreme Court ID Number

2. Any participating member of the Beaver County Bar Association who provides representation to a Custody litigant on a Motion for Special Relief or at a Child Custody Conference pursuant to a referral from NLSA's Pro Bono or Reduced-Fee Programs, shall be permitted to enter a Limited Appearance. The Praeceptum for Entry of Limited Appearance shall be substantially in the following form:

(CAPTION)

Praeceptum for Entry of Limited Appearance

To the Prothonotary: Kindly enter my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter.

This Appearance is limited to providing representation {on the _____ filed on behalf of this party/at the Custody Conference scheduled in this matter for [date of Conference]}.

Name of Attorney
Attorney for Plaintiff/Defendant
Address
Telephone Number
Supreme Court ID Number

3. Upon completion of the representation under the above-described referral programs, the attorney shall file a Praeceptum for Withdrawal of Limited Appearance. This Praeceptum shall be filed without leave of Court, and it shall not be required to, but may, contain information about another attorney who may be entering his/her Appearance at the same time. This Praeceptum shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last-known address. The Praeceptum for Withdrawal of Limited Appearance shall be substantially in the following form:

(CAPTION)

Praeceptum for Withdrawal of Limited Appearance

To the Prothonotary: Kindly withdraw my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. Withdrawal of this Limited Appearance is permitted pursuant to Miscellaneous Order No. _____ of _____. All future notices should be sent directly to {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, at {set forth last-known address for this party}.

Name of Attorney
Attorney for Plaintiff/Defendant
Address
Telephone Number
Supreme Court ID Number

LR1915C. EDUCATIONAL SEMINAR PERTAINING TO PARTIES TO CUSTODY ACTIONS

All parties to Custody Actions, where the interests of children under the age of eighteen (18) years are involved, shall, unless excused by the Court, complete a program which we have entitled the Educational Seminar, or such other title as determined by the Administrative Custody Judge, hereafter, "Seminar."

All parties shall register for the first available Seminar after the date the Defendant(s) has/have been served with process. Counsel for the Plaintiff(s) shall require the Plaintiff(s) to register for the Seminar and shall have a copy of the Notice and Registration Form served on the Defendant(s) at the same time as the Complaint. The Notice and Registration Form are available at the Beaver County Law Library and at www.beavercountypa.gov/courts/law-library.

Failure of a party to successfully complete the Seminar will result in sanctions by the Court, including Contempt.

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NANCY WERME
PROTHONOTARY
BEAVER COUNTY, PA

The District Court Administrator is Directed to:

1. file one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts;
2. submit two (2) certified copies of this Administrative Order and a copy on computer diskette or CD-ROM containing the text of the Administrative Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. submit one (1) certified copy of this Administrative Order to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;
4. publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, <http://www.beavercountypa.gov/courts/courts-common-pleas>, after publication in the *Pennsylvania Bulletin*;
5. keep a copy of this Administrative Order continuously available for public inspection and copying in the Office of the Prothonotary of Beaver County; and
6. keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

BY THE COURT

2017 MAR -8 A 11:58

RICHARD MANCINI
PRESIDENT JUDGE

BY THE COURT,

Richard Mancini

P.J.

I, Nancy Werme, Prothonotary of the
Court of Common Pleas of Beaver County,
do certify that this is a true and correct
copy of the original record.

Date: 3-9-2017 Nancy Werme
Prothonotary
By: [Signature]
Deputy